

# Exhibit 2

*United States of America ex rel. Ven-A-Care of the Florida Keys, Inc., et al.*  
*v. Dey, Inc., et al.*, Civil Action No. 05-11084-PBS

**Exhibit to the August 28, 2009 Declaration of Sarah L. Reid  
In Support of Defendants' Common Opposition to Plaintiffs'  
Motion for Partial Summary Judgment**

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3  
4 IN RE: PHARMACEUTICAL )

5 INDUSTRY AVERAGE WHOLESALE )

6 PRICE LITIGATION, )

7 ) MDL NO. 1456

8 U.S. ex re. Ven-A-Care of )

CIVIL ACTION:

9 the Florida Keys, Inc., v. )

01-CV-12257-PBS

10 Abbott laboratories, Inc., )

Judge Patti B. Saris

11 et al. No. 06-CV-11337-PBS )

12  
13 The videotaped deposition upon oral examination  
14 of ADMINASTAR FEDERAL BY CHERYL EILER, a witness  
15 produced and sworn before me, Paula A. Morgan, Notary  
16 Public in and for the County of Hamilton, State of  
17 Indiana, taken on the 23rd day of September, 2008, in  
18 the offices of National Government Services, 8115  
19 Knue Road, Marion County, Indiana, pursuant to the  
20 Federal Rules of Civil Procedure. This deposition  
21 was taken on behalf of the United States of America  
22 in the above-captioned matter.

1 MR. HENDERSON: Yes. Thank you.

2 Q. Ms. Eiler, during the period of 1993  
3 through approximately 1998, how many AdminaStar  
4 employees had responsibility for determining drug  
5 prices?

6 A. There could have been two of us because I  
7 did it for any valid HCPCS code that would have  
8 been given. If there was miscellaneous HCPCS codes  
9 for products that had not yet been approved for a  
10 new code, then our nurses looked at those.

11 Q. Okay. Was the majority of pricing done  
12 by you?

13 A. Yes.

14 Q. The -- what source of information did you  
15 use to determine the reimbursement amount for the  
16 HCPCS code drugs?

17 A. Sources, you mean what books --

18 Q. Yes.

19 A. -- or what -- we used the RedBook. We  
20 used -- we had Blue Book. And we had a couple  
21 other databases that we used, books that we used.  
22 But the majority of the time it was the RedBook

1 source that we used.

2 And you would look at the HCPCS code, and then  
3 you would find the drug that was listed under the  
4 narrative description that was given with the code.  
5 And then you would base your fee on that product.

6 Q. Okay. Did the RedBook publish an annual  
7 edition?

8 A. We got monthlies and an annual in the  
9 middle of the year.

10 Q. Okay. Approximately when did the annual  
11 edition come out?

12 A. In May. Usually between May and the  
13 first of August is when we received them.

14 Q. And were those originally in paper  
15 format?

16 A. Yes.

17 Q. And at some point in time did RedBook  
18 start publishing its pricing information in an  
19 electronic format?

20 A. Yes.

21 Q. Approximately when was that?

22 A. I want to say it was probably about '95